

**AN ORDINANCE OF THE BOARD OF
COMMISSIONERS OF WARRICK COUNTY, INDIANA, RECOGNIZING
WARRICK COUNTY AS A SECOND AMENDMENT SANCTUARY COUNTY**

WHEREAS, acting via the Constitution of the United States, the American people created a government with few defined powers, reserving rights to life, liberty, and property;

WHEREAS, the Second Amendment to the Constitution of the United States, ratified in 1791, provides that “a well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed;”

WHEREAS, the right of American citizens to keep and bear arms is further protected from infringement by state and local governments under the Ninth and Tenth Amendments to the Constitution of the United States, and the “Due Process” and “Privileges and Immunities” clauses of the Fourteenth Amendment to the Constitution of the United States;

WHEREAS, Section 1 of the Fourteenth Amendment to the Constitution of the United States provides that “no State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws;”

WHEREAS, Article 1, Section 32 of the Indiana Constitution states “the people shall have a right to bear arms, for the defense of themselves and the State;”

WHEREAS, Article 15, Section 4 of the Indiana Constitution states “every person elected or appointed to any office under this Constitution, shall, before entering on the duties thereof, take an oath or affirmation, to support the Constitution of this State, and of the United States, and also an oath of office;”

WHEREAS, the Supreme Court of the United States, in *Marbury v. Madison*, 5 U.S. 137, 177 (1803), stated “certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must, that an act of the legislature, repugnant to the constitution, is void;”

WHEREAS, the Supreme Court of the United States, in *Miranda v. Arizona*, 384 U.S. 436, 491 (1966), held “where rights secured by the Constitution are involved, there can be no rulemaking or legislation that would abrogate them;”

WHEREAS, the Supreme Court of the United States, in *District of Columbia v. Heller*, 554 U.S. 570, 592 (2008), declared “we find that [the textual elements of the operative clause of the Second Amendment] guarantee the individual right to possess and carry weapons in case of confrontation. This meaning is strongly confirmed by the historical background of the Second Amendment;”

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WHEREAS, the Supreme Court of the United States, in *McDonald v. Chicago*, 561 U.S. 742, 791 (2010), found that: “we, therefore, hold that the Due Process Clause of the Fourteenth Amendment incorporates the Second Amendment right recognized in *Heller*.”

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Warrick County, Indiana, that:

The Code of Ordinances of Warrick County, Indiana, is hereby amended to include a new Section 39.13, entitled “Second Amendment Sanctuary County”, as follows:

- (A) The right to keep and bear arms is a fundamental individual right, and shall not be infringed. All local, State, and Federal acts, laws, orders, rules, or regulations regarding firearms, firearms accessories, and ammunition enacted or promulgated that violate the fundamental individual right to keep and bear arms infringe upon the Second Amendment of the Constitution of the United States, and Article 1, Section 32, of the Indiana Constitution.
- (B) The individual right to keep and bear arms predates the Constitution of the United States and the Indiana Constitution. It encompasses the right to legal ownership, possession, purchase, other acquisition, transport, storage, carrying, sale, other transfer, manufacture, shooting range activities, private property shooting, and training. Therefore, be it hereby ORDAINED by the Board of Commissioners of Warrick County, Indiana, that the right of the citizens of Warrick County to keep and bear arms shall not be infringed by any agent or representative of Warrick County or any other person.

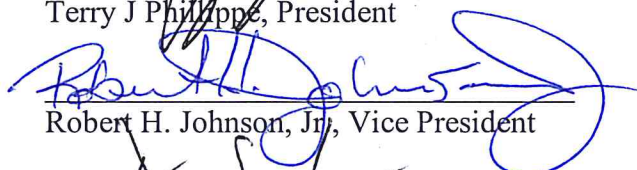
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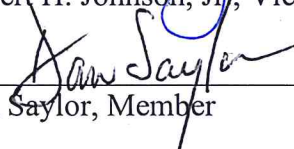
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Passed and adopted by the Board of Commissioners of Warrick County, Indiana,
this 8th day of February, 2021.


WARRICK COUNTY
BOARD OF COMMISSIONERS


Terry J Philippe, President

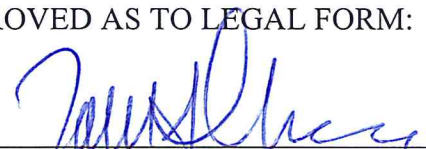

Robert H. Johnson, Jr, Vice President


Dan Saylor, Member

ATTEST:


Deborah K. Stevens, Auditor
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:


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